

MINUTES
PUBLIC SAFETY AND PERSONNEL COMMITTEE MEETING
JULY 9, 2013

Elected Officials Present: **Councilmember Bloom**
 Councilmember Peterson

City Staff Present: **Doug Fair, Municipal Court Judge**
 Mary Ann Hardie, Human Resources Manager
 Carrie Hite, Human Resources Reporting Director
 Sandy Chase, City Clerk

Also Present: **John McGibbon**
 Bob Rinehart

The meeting was called to order at 6:00 p.m. Agenda items were discussed in an order that would accommodate participants at the meeting.

E. Review of appointment of two new members to the Edmonds Public Facilities District Board.

John McGibbon and Bob Rinehart, Public Facilities District Board Members, were present to discuss this item.

Councilmember Bloom commented that the City Attorney indicated that approval of appointment of new members to the Public Facilities District (PFD) Board must be made by Council based on the original ordinance. She noted that it is confusing that appointments to each board and commission are handled differently. Typically when the Council reviews applicants for appointment they receive the full list of candidates which did not occur in this process. She preferred to have all of the applications be forwarded to the Council in advance to discussing the appointment at a Council meeting.

Councilmember Peterson noted that he is the Council representative to this Board and participated during the interview process, and he described the process. Mr. Rinehart also provided details surrounding the interview process. Mr. McGibbon confirmed the process used was consistent with what has occurred previously.

The committee members requested that all of the applications for appointment to the PFD Board be forwarded to the full City Council for review. Approval of the appointment of two new members should be placed on the Council Consent Agenda for approval; only the applications of the two members to be appointed should be included with this agenda memo.

The committee would also like to review and clarify the process for future appointments.

B. Reinstating Clerk Position

Judge Fair explained that case loads continue to increase in the court. As a result of the increased work load and the fact that funds are available, he was requesting reinstating the clerk position in Municipal Court.

Responding to questions, Judge Fair stated that funds are available in the non departmental budget (unallocated portion of the public defender contract).

The committee members agreed to place approval of reinstating the clerk position on the City Council Consent Agenda.

C. L & I Claims Management

Mary Ann Hardie, Human Resources Manager, referred to the memo provided to the City Council on this topic. She explained that her department analyzed options related to managing the city's L & I claims. The analysis came down to looking at a third party to handle the claims. Based on the analysis, costs would be lower using a third party. There is a fee for the services that at a minimum would be a break even cost with the potential of significant savings.

Councilmember Peterson asked if the use of a third party would have any effect on labor agreements. Ms. Hardie stated they are having the City Attorney's Office check on this issue, however, they do not believe it is a subject of bargaining. They also did an extensive reference check of the firm being considered and all cities and counties have been very pleased.

Responding to further questions, Ms. Hardie stated the third party would provide as much training as needed to employees.

Committee members were supportive of moving forward to the next step.

A. Discussion: Edmonds City Code Chapter 2 Revisions

Councilmember Bloom stated that she discussed a number of issues with the City Attorney today. The first issue is regarding the title of the Chapter "Confirmation and Duties of City Officers." She noted that there is not a definition of a City Officer. She made the assumption that a City Officer is a director level position or all the positions that include over site of code and have to be approved by Council. She believes "City Officer" needs to be defined.

Councilmember Bloom also pointed out the Chapter includes reference to the Hearing Examiner, Executive Assistant to Council, and Mayor's Executive Assistant. She noted these positions are not City Officers.

Councilmember Peterson suggested the title of the chapter could be changed from the reference to "City Officers" to referencing the positions that are included in the chapter.

After discussion, the committee members agreed to request the City Attorney to bring back a definition of City Officer.

Councilmember Bloom reported the City Attorney also suggested that the positions of City Clerk and City Engineer be included in this Chapter because they are called out in RCW. She agrees that it makes sense to include these positions as City Officers.

Councilmember Peterson expressed wariness that this would add city staff that Council needs to confirm, which may cause more of the line between the legislative branch and the executive branch to get crossed. This would be going beyond confirming director positions.

After discussion, the committee members agreed to bring to the City Council for discussion the addition of the City Clerk and City Engineer positions to Chapter 2.

The next issue discussed by Councilmember Bloom was related to the Hearing Examiner being included in this Chapter. She questioned why this position is included. *(Note: This issue was further discussed later in the meeting.)*

Next, Councilmember Bloom referred to language proposed for 2.10.010 A, and recommended the following changes:

- A. Whenever a vacancy occurs in one of the positions listed in this section, the city council ~~may~~ **will** review the specifications of that position and revise it as needed before acting to confirm a permanent appointment.

She further recommended the last sentence be removed as she does not see the need for it.

Councilmember Peterson agreed with changing “may” to “will.” With regard to removing the last sentence, he questioned if the City Attorney may have included it as a protection.

Next, Councilmember Bloom referred to language proposed for 2.10.010 D, and recommended the following changes:

- D. The mayor shall appoint, subject to council confirmation, the ~~department director~~ **City Officer** positions. The city shall have the following ~~department director~~ **City Officer** positions;

With regard to the balance of Section D., she suggested the following:

“The council shall interview the top three candidates for each position prior to the mayor’s final selection, PROVIDED that the city council may waive the three-interview requirement by motion and may opt to interview as few as ~~one~~ **two** candidate**s** for any vacant position.

Councilmember Peterson disagreed commenting that if there is clearly only one qualified candidate it would be forcing the Mayor to have an unqualified candidate be interviewed, which would not be appropriate. It is always the council’s option to require an additional candidate, but not always feasible. He believes the current language is fine.

Councilmember Bloom stated this topic will be added as a discussion issue before the full council. *(Note: This topic was discussed further in the meeting.)*

Next, Councilmember Bloom discussed 2.10.010 E., and proposed the following:

"Notwithstanding the provisions of this chapter, the mayor shall have the authority to appoint, without city council confirmation, an acting director to any of the positions set forth in subsection D, above, PROVIDED that a search is initiated immediately to fill the vacancy, and there is budgetary authority to fill the position, AND any such acting directorship shall expire and be deemed vacant six months after the date of the appointment. The city council shall be given written notice about any such acting appointments including the effective date of the appointment.

If, in that 6 month period of time, two or more suitable candidates have not been found for Council to interview, the mayor may request an extension of an additional 3 months to continue the search. Any extension of the 6 month initial "acting directorship" appointment shall be subject to city council confirmation."

Council President Peterson stated he wants to be sure that if the Mayor finds only two qualified candidates that he is not able to move forward because he does not have three.

Carrie Hite, Human Resources Reporting Director, joined the meeting at this time and suggested the committee consider two candidates versus 3, pointing out the recent experience in replacing positions.

After discussion, the committee agreed to the language: **two or more suitable candidates**.

Additional discussion was held regarding the Hearing Examiner being included in this Chapter. The committee concluded the City Attorney is to determine if there would be a conflict of interest if the Hearing Examiner is hired by the City Council. In addition, it was recommended to eliminate consideration of including the City Attorney under this chapter.

Next, under 2.10.020, Assignment of Duties, Councilmember Bloom recommended:

The city council shall define the functions, powers and duties of the city's directors and employees. The mayor ~~shall~~ **will** direct, supervise, and be in charge of all directors and employees in the performance of their functions powers and duties.

Councilmember Bloom also wanted language added that "all city officer job duties and job descriptions shall be reviewed and updated every five years." This would be limited to the City Officer job descriptions. Further, she would like language added that department directors will "assure compliance and accountability with federal, state and local laws and regulations."

Councilmember Bloom stated that under 2.01.050, she would like to remove "or his or her designee." She explained there are certain matters such as legal determinations that should only be deferred in certain matters.

Ms. Hite pointed out that there needs to be someone who can make decisions in the absence of the director.

Councilmember Peterson suggested dropping reference to 2.10.050 in this section of the code.

Councilmember Bloom next pointed out that 2.10.050 refers to both finance director and community services director, however the title of the section does not reflect this.

Further, Councilmember Bloom believes the positions of Executive Assistant to the Council and the Mayor's Executive Assistant should not be part of this chapter as they are not City Officers.

Committee members agreed to request the City Attorney to determine if these positions should be in a different section of the code.

D. Discussion regarding Code of Ethics.

Committee members discussed ethics policies from Bainbridge Island, Lynnwood and Kirkland.

Councilmember Bloom referred to the policy from Bainbridge Island and would like to include the requirement for members to "disclose a conflict of interest" as a standing requirement at all city meetings for all officials. Councilmember Peterson commented that he believes the Council does a good job at this disclosure; however, having it on each agenda is a good reminder.

Further discussion occurred related to policies, including the possible consideration of a Code of Ethics Officer.

After discussion the committee agreed to forward to the next work session of the City Council the Bellevue and Kirkland ethics policies and the Kirkland Code of Conduct for discussion. The committee also recommended including the statement from Bainbridge Island related to disclosure of conflict of interest for all officials. After full Council discussion, direction can then be given to the City Attorney on how to proceed.

Ms. Hite indicated she would bring back information on a Code of Ethics Officer.

The meeting adjourned at 8:07 p.m.